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**UNITED STATES BANKRUPTCY COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SANTA ROSA DIVISION**

10 In re ) Case No.: 14-10992 DM  
11 JERRY ANTHONY GURROLA and ) Chapter 13  
12 CAROLE JEAN GURROLA )  
13 ) **OBJECTION TO CLAIM OF**  
14 ) **JPMORGAN CHASE BANK, N.A.**  
15 ) **(PROOF OF CLAIM NO. 16-1) with**  
Debtors. ) **DECLARATION OF DAVID BURCHARD**  
16 ) **IN SUPPORT**  
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**TO THE HONORABLE DENNIS MONTALI, UNITED STATES BANKRUPTCY**  
**JUDGE, DEBTORS' COUNSEL, DEBTORS, AND OTHER PARTIES IN INTEREST:**

David Burchard, Chapter 13 Trustee ("Trustee"), for the San Francisco and Santa Rosa Divisions of the Bankruptcy Court for the Northern District of California, hereby submits this objection to the claim of JPMorgan Chase Bank, N.A., filed on November 6, 2014 as claim number 16-1.

**BASIS FOR OBJECTION:**

On November 6, 2014, JPMorgan Chase, N.A filed a claim reflecting arrears in the amount of \$7,047.33 (pages 1-4 of proof of claim are attached as Exhibit A). According to the claim, this was secured by a real property located at 4059 Sacramento Ave., Santa Rosa, CA. Per the Order Confirming Chapter 13 Plan, this claim was to be paid in full at 0% interest. (see docket number 27).

1 To date, the Trustee has disbursed a total of \$5,944.38 to the creditor. (See attached  
2 declaration of D. Burchard and claims disbursement ledger, attached as Exhibit B). This amount  
3 is less than the claimed amount.

4 On May 9, 2017, August 16, 2017, and February 12, 2018, creditor notified the Trustee  
5 that they could not accept further payments, first because there was no outstanding balance on  
6 the account, then because the account had been settled or the customer was no longer responsible  
7 for the account. (see letters, attached as Exhibit C).

8 The Trustee has requested that the creditor withdraw the claim, however the creditor has  
9 failed to do so. (see letters, attached as Exhibit D).

10 **RELIEF REQUESTED**

11 Based on the above, the Trustee requests the arrears portion of the claim be allowed up to  
12 the amount paid, \$5,944.38, and that the remainder, \$1,102.95, be disallowed.

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14 Respectfully Submitted,

15 Dated this 22<sup>nd</sup> day of August 2018.

16 /s/ Brisa C. Ramirez  
17 Brisa C. Ramirez, Attorney for  
18 David Burchard, Chapter 13 Trustee  
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2                   **DECLARATION OF DAVID BURCHARD IN SUPPORT**

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4 I, David Burchard, the duly appointed Chapter 13 Trustee in this case declare as follows:

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- 6     1. On November 6, 2014, JPMorgan Chase, N.A filed a claim reflecting arrears in the  
amount of \$7,047.33 (pages 1-4 of proof of claim are attached as Exhibit A).  
According to the claim, this was secured by a real property located at 4059  
Sacramento Ave., Santa Rosa, CA.
- 7     2. Per the Order Confirming Chapter 13 Plan, this claim was to be paid in full at 0%  
interest. (see docket number 27).
- 8     3. To date, my office has disbursed a total of \$5,944.38 to the creditor. (see claim  
disbursement ledger, attached as Exhibit B)
- 9     4. On May 9, 2017, August 16, 2017, and February 12, 2018, creditor returned funds to  
my office. First indicated that there was no remaining balance on the account, and in  
the last letter, they indicated they could not accept the funds because the account had  
been settled, or the customer was no longer responsible for the account. (see letters,  
attached as Exhibit C).
- 10    5. My office has sent requests that the creditor withdraw the claim, however the creditor  
has failed to do so. (see letters, attached as Exhibit D).

11   I declare under penalty of perjury of the laws of the United States of America that the  
foregoing is true and correct, that I have personal knowledge thereto, that if called as a witness, I  
could competently testify thereto.

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13   This declaration was executed on 21<sup>st</sup> day of August 2018 in Foster City, California.

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15                    /s/ David Burchard  
16                    David Burchard

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